
**POLICE ENHANCED PENALTIES
ORDINANCE, 2005 (1948 A. D.)**

(Ordinance No. III of Samvat 2005)

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**THE POLICE ENHANCED PENALTIES ORDINANCE, 2005
(1948 A. D.)**

(Ordinance No. III of 2005)

[Promulgated by His Highness under section 5 of the Jammu and Kashmir Constitution Act, 1996 and published in Government Gazette, dated 3rd Har, 2005 (Extr).]

An Ordinance to provide for enhanced punishment in the case of certain offences.

Preamble.— Whereas an emergency has arisen which makes it necessary to provide for enhanced punishment in the case of offences committed by members of the Police Force.

Now, therefore, in exercise of the powers reserved under section 5 of the Jammu and Kashmir Constitution Act, 1996, His Highness is pleased to make and promulgate the following Ordinance :—

1. *Short title, extent and commencement.* —(1) This Ordinance may be called the Police Enhanced Penalties Ordinance, 2005.

(2) It shall extend to the whole of the State.

(3) It shall come into force at once.

2. *Definition.*— “Enemy” means and includes a person who, directly or indirectly, participates or assists in the campaign recently undertaken by the raiders from outside in subverting the Government established by law.

3. *Enhanced punishment under section 30, Police Act, 1983.*— Any member of the Police Force, who commits an offence punishable under section 30 of the Police Act, 1983, shall, in lieu of any punishment to which he is liable under the said Act, be liable to imprisonment of either description for a term which may extend to seven years and fine.

4. *Penalty for assisting the enemy.*— Any member of the Police Force, who, by any of his acts or illegal omission, assists or attempts to assist or abets assisting the enemy, shall be liable to a sentence of death or imprisonment for life.

5. *Prosecution with previous sanction.*— Prosecutions under this Ordinance shall lie with the previous sanction of the Minister- in-charge of the Police Department.
